

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Cullan and Cullan LLC,
on behalf of itself and
all others similarly situated,

Plaintiff,

v.

m-Qube, Inc., *et al.*,

Defendants.

Case No. 8:13-cv-00172

Honorable Thomas D. Thalken

**PLAINTIFF’S MOTION FOR LEAVE TO FILE REPLY IN SUPPORT
OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT AGREEMENT WITH MOBILE MESSENGER DEFENDANTS**

Plaintiff Cullan and Cullan LLC (“Plaintiff”), individually and on behalf of all others similarly situated, by and through undersigned counsel, hereby requests leave to file a reply brief on or before February 5, 2016, in support of its motion for preliminary approval of class action settlement agreement with Defendants Post SMS. Co. Americas, Inc., formerly known as Mobile Messenger Americas, Inc., and Post SMS Co. Qube, Inc., formerly known as m-Qube, Inc. (collectively, “Mobile Messenger Defendants”).

1. On December 21, 2015, Plaintiff filed a motion for preliminary approval of a class action settlement agreement between Plaintiff and Mobile Messenger Defendants (the “Mobile Messenger Settlement”). D.E. #167. That same day, Plaintiff also filed a motion for preliminary approval of a class action settlement agreement with defendant CF Enterprises, Pty., Ltd. (the “CFE Settlement”). D.E. #165.

2. On January 14, 2016, Intervenor Geier filed a 23-page opposition to Plaintiff’s motion for preliminary approval of the Mobile Messenger Settlement and Plaintiff’s motion for

preliminary approval of the CFE Settlement. D.E. #169. Geier also filed an Index of over 200 pages with his opposition. D.E. #170.

3. Plaintiff requests leave to file a reply brief on or before February 5, 2016, to address Geier's assertions regarding the Mobile Messenger Settlement.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an order granting Plaintiff leave to file a reply brief in support of its motion for preliminary approval of the Mobile Messenger Settlement on or before February 5, 2016, and entering any such other relief as the Court deems just and appropriate.

Dated: January 15, 2016

Attorneys for plaintiff Cullan and Cullan LLC

/s/ Ben Barnow

Ben Barnow (pro hac vice)
BARNOW AND ASSOCIATES, P.C.
One North LaSalle Street, Suite 4600
Chicago, IL 60602
312-621-2000
312-641-5504 fax
b.barnow@barnowlaw.com

Ralph Phalen (pro hac vice)
RALPH K. PHALEN, ATTORNEY AT LAW
1000 Broadway Ste. 400
Kansas City Mo. 64105
816-589-0753
816-471-1701 fax
phalenlaw@yahoo.com

Richard J. Schicker (#13686)
LAW OFFICES OF RICHARD J. SCHICKER
2809 So. 160th Street, Suite 101
Omaha, NE 68130

Mitchell L. Burgess (pro hac vice)
BURGESS & LAMB, P.C.
1000 Broadway, Suite 400
Kansas City, MO 64105
816-471-1700
816-471-1701 fax
mitch@burgessandlamb.com

Certificate of Service

The undersigned hereby certifies a true and correct copy of the foregoing was served via filing with the Court's e-filing service, on this 15th day of January 2016.

/s/ Ben Barnow